GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2370
ANSWERED ON:12.03.2013
TRANSFER OF MINERAL OIL AND GAS BY NAGALAND
Rai Shri Prem Das

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the State of Nagaland has the power to frame its own laws regarding ownership and transfer of mineral oil and natural gas within its territory under article 371A of the Constitution; and

(b) if so, the details thereof ?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) to (b): Entry 53 of the Seventh Schedule under Article 246 of the Constitution of India devolves exclusive powers with the Union of India for 'Regulation and development of oilfields and Mineral oil resources, including petroleum and petroleum products. Although the special provisions under Article 371-A provide that no law made by the Parliament under Entry 53 shall have effect unless agreed to by the State Assembly by way of a resolution, the same applies to only adoption of any such law. Once adopted any resolution passed by the State Legislative Assembly seeking to revoke/remove the applicability of a law, enactment of which lies within the sole domain of the Parliament, is however ultra vires.